

Wisconsin Ethics Commission

For legislators, legislative employees, and executive branch
officers elected in state-wide elections

Officials' receipt of food, drink, favors, services, etc.

ITEMS SPECIFICALLY AUTHORIZED: Consistent with the statutes administered by the Wisconsin Ethics Commission, *a state public official may accept and retain:*

ALL OFFICIALS MAY ACCEPT FROM ANY ORGANIZATION (EVEN A LOBBYING ORGANIZATION):

- a. **EXPENSES FOR TALKS AND PROGRAMS.** Payment or reimbursement by a meeting's sponsor of expenses an official or employee incurs for presenting a talk or program about state issues (including meal and travel costs)¹ [§ 19.56(3)(a)];
ONLY ELECTED OFFICIALS – May accept reasonable compensation for a talk from the organizer of an event, as long as the organizer is not a lobbyist or lobbying organization.
- b. **ITEMS AND SERVICES MADE AVAILABLE TO THE GENERAL PUBLIC ON THE SAME TERMS.** Food, drink, transportation, lodging, items, and services at the same price, if any, charged others, when each of the following applies:
(i) the admission, items, or services are available to anyone who wants them at the same price;
(ii) the official is not given a preference or advantage in obtaining the items; and
(iii) there is no offer or notice of the event, item, or service directed to an official that would confer an advantage to the official. [§13.625(2), *Wisconsin Statutes*];
- c. **FOOD AND DRINK THAT THE OFFICIAL PURCHASES AT AN EVENT INTENDED FOR AND CONDUCTIVE TO THE DISCUSSION OF STATE GOVERNMENTAL PROCESSES, PROPOSALS, OR ISSUES.** Food and drink that an official purchases at an event intended for and conducive to the discussion of state governmental processes, proposals, or issues if the official pays the highest of (i) the price charged others; (ii) the food and drink's true value, or (iii) the sponsor's cost [80 Op. Att'y Gen. 201 (1992)];¹
- d. **EXPENSES PROVIDED BY OR TO THE STATE.** Food, drink, transportation, lodging, or payment or reimbursement of costs that the official can clearly and convincingly demonstrate are provided by or on behalf of the state and primarily for the state's benefit, not for a private benefit² [§ 19.56(3)(c)]; and
- e. **INFORMATION.** Informational materials of unexceptional value [§§ 13.625(6t) and 19.45(2)].

FROM AN INDIVIDUAL/ORGANIZATION OTHER THAN A LOBBYIST/LOBBYING ORGANIZATION:

- f. **ITEMS AND SERVICES UNRELATED TO PUBLIC POSITION.** Food, drink, transportation, lodging, items, and services which the recipient can clearly demonstrate are received for a reason unrelated to the recipient's holding or having held *any* public position [§§ 19.45(3m) and 19.56(3)(b), *Wisconsin Statutes*];
- g. **ITEMS AND SERVICES FOR WHICH THE RECIPIENT PAYS THE FULL COST.** Food, drink, transportation, lodging, items, and services if the official pays either (a) the price charged all others, if

¹ Minutes, open session, Ethics Board, March 8, 1995, 80 Op. Att'y Gen. 201 (1992).

² Normally, the certification of the agency head or governing body that the cost or item or service would otherwise be paid by the state of Wisconsin is all that is needed to meet the statute's requirement that a reimbursement or item or service be provided for the benefit of the state, not for a private benefit.

the event is open to the general public, or (b) the highest of (i) the price charged others; (ii) the item's or service's true value, or (iii) the furnisher's cost [§§ 19.45(3m) and 19.56(3)(b) *Wisconsin Statutes*];

- h. **ITEMS, SERVICES, AND REIMBURSEMENTS FROM CAMPAIGN COMMITTEES.** Services, items, and reimbursements from campaign committees as permitted and reported under campaign finance laws [§ 19.56(3)(d)].

STATUTORY RESTRAINTS: Except as noted on the other side of the page, *a state public official should not accept:*

1. **TRANSPORTATION, TRAVELING ACCOMMODATIONS, OR COMMUNICATION SERVICES.** Discounted transportation or traveling accommodation for which the supplier would usually charge [§946.11; Art. 13, §11, Const.].
2. **ITEMS OR SERVICES FROM LOBBYISTS.** Food, drink, transportation, lodging, employment, or any other thing of pecuniary value from a lobbyist³, either directly or through an agent [§ 13.625(1)-(3)];
3. **ITEMS OR SERVICES FROM ORGANIZATIONS THAT EMPLOY LOBBYISTS.** Food, drink, transportation, lodging, employment, or any other thing of pecuniary value from an organization that employs a lobbyist unless also made available to the general public on like terms and conditions⁴ [§ 13.625(2)]; and
4. **FOOD, DRINK, OR TRAVEL OFFERED FOR A REASON RELATED TO HOLDING ANY PUBLIC POSITION.** Food, drink, transportation, or lodging offered for a reason related to the recipient's holding or having held *any* public position. [§§ 19.45(3m) and 19.56(3)(b)];
5. **OTHER ITEMS OR SERVICES OFFERED BECAUSE OF STATE POSITION.** Any item or service of more than nominal value offered because of the person's holding a state public office [§ 19.45(2), *Wisconsin Statutes*];⁵
6. **REWARDS FOR OFFICIAL ACTION.** Anything of value that could reasonably be considered as a reward for the official's action or inaction [§ 19.45(3), *Wisconsin Statutes*];
7. **ITEMS AND SERVICES THAT COULD INFLUENCE OFFICIAL ACTION.** Anything of value that could reasonably be expected to influence the state public official's vote, official actions, or judgment [§ 19.45(3), *Wisconsin Statutes*].
8. **JUDGES ONLY: PAYMENT FOR OFFICIATING AT A COURTHOUSE WEDDING.** A payment, even if unsolicited, for officiating at a marriage at a courthouse, regardless of the hour at which the marriage is performed.⁶ [§19.45 (2)]

³ Unless the official's responsibilities do not include rulemaking or unless the lobbyist and recipient are married to each other, are engaged to be married, reside in the same household, or are close relatives [§ 13.625(6)].

⁴ Unless the official's responsibilities do not include rulemaking . In the case of an official who also holds an *elected* position in a local government that employs a lobbyist, the local government may furnish the individual anything it normally furnishes to its other similarly situated elected officials. [§ 13.625(6g)(a)] If an official is *appointed* to a local government position compatible with the state position, the local government may furnish the individual a per diem or reimbursement of expenses up to the amount furnished to its other similarly situated elected officials. [§ 13.625(6g)(b)]

Members of Commissions, Councils, Boards, Committees, or Similar Bodies: In the case of a person who is a state official solely because of membership on the Board of Regents, the person may receive payments and benefits from his or her employer in an amount the employer customarily provides to similarly situated employees, even if the employer is a lobbyist or retains a lobbyist. [§ 13.625(6r)]

⁵ For more detailed information about **attending conferences, seminars, and receptions**, see Wisconsin Ethics Commission Guideline ETH-1222.

⁶ The Ethics Code provides no obstacle to a judge's accepting a gratuity for officiating at a marriage any place other than a courthouse, provided the payment does not exceed a reasonable amount that a member of the clergy might receive under like circumstances and provided the payment could not reasonably be expected to influence the judge's exercise of judicial duties. When a judge is offered a payment for officiating at a marriage at a courthouse, the judge should decline it or suggest that it be paid instead to a local charity.